THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.21833 of 1996

DATED: 07.08.2007

Between:

P.Chandraiah and another. .. Petitioners

And

The Special Commissioner of Land Revenue,
Govt. of A.P., Nampally Road, Hyderabad
and others. .. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.21833 of 1996

ORDER:

This writ petition is filed seeking a writ of Certiorari calling for the records relating to proceedings No.BCW6/952/92, dated 26.07.1996, of the Special Commissioner of Land Revenue, Government of A.P.,Hyderabad, the first respondent herein, confirming the order of the Joint Collector, Ranga Reddy District, dated 11.02.1992, in proceedings No.D1/6943/89 cancelling the assignment of Ac.4.00 of land each to the petitioners out of Sy.No.83 situated at Rapol village, Pargi Mandal, Rangal Reddy District and quash the same as arbitrary and illegal

2. The brief facts of the case are that after ascertaining the fact that the petitioners are landless poor persons and also in view of the certificate dated 27.06.1986 to that effect was issued by the Mandal Revenue Officer, the petitioners were assigned an extent of Ac.4-00 each in Sy.No.83 of Rapole village, Pargi Mandal, Ranga Reddy vide proceedings No.A5/912/87 dated 14.08.1986. Thereafter, on receiving the complaints against the petitioners that the assignment was irregular and it was made in favour of the petitioners who were not landless poor persons, the then Revenue Divisional Officer, Chevella Division directed the Mandal Revenue Officer to conduct a detailed enquiry and submit his report. In pursuance of the said directions, the Mandal Revenue Officer conducted enquiry and submitted his report

dated 23.06.1998 stating that the second petitioner has purchased the land to an extent of four acres in the year 1987 i.e., after assignment of the land. Thereafter, the Joint Collector, the second respondent herein, issued a show cause notice on 12.07.1989 calling upon the petitioners to explain as to why the lands assigned to them should not be cancelled. In response to the said notice issued on them, the petitioners offered their explanation on 10.08.1989. But, however, the Joint Collector passed an order canceling the said assignment of lands in favour of the petitioners by his order, dated 11.02.1992. Against the said orders passed by the Joint Collector, the petitioners preferred an appeal before the Special Commissioner of Land Revenue and it was dismissed on 26.07.1996, and hence, the petitioners approached this Court and filed the present writ petition.

3. Heard Sri N.Vasudeva Reddy, learned counsel for petitioners, and the learned Government Pleader for Assignment.

4. Despite the fact that notices are served, the respondents have not chosen to file any counter.

5. The certificate, dated 27.06.1986, clearly establishes that on the strength of certification done by the Mandal Revenue Inspector, the Mandal Revenue Officer, Pudur certified that the petitioners are landless poor persons, and thereafter, the said assignment of lands were made in favour of the petitioners on 14.08.1986. The report of the Mandal Revenue Officer, Pargi, dated 23.06.1988, clearly reveals that the second petitioner has purchased the land to an extent of four acres in the year 1987 i.e., after assignment of the land. From the above, it is clear that as on the date of assignment i.e., on 14.08.1986, the petitioners did not own any lands and they are landless poor persons.

But, it is not known as to how the petitioners purchased the said lands in the year 1987. This aspect was not gone into by both the second and first respondents. If the report, dated 23.06.1988, submitted by the Mandal Revenue Officer, Pargi, to the Revenue Divisional Officer, Chevella Division is looked at, it appears that the petitioners purchased other lands in a span of just one year. So, the petitioners have to explain as to how they could purchase other lands, and then only the matter can as well be resolved.

Having regard to the above facts and circumstances of the case, this Court is of the view that the orders, dated 11.02.1992, passed by the second respondent and the orders, dated 26.07.1996, passed by the first respondent confirming the orders passed by the second respondent are hereby set aside and the matter is remanded back to the Joint Collector, Ranga Reddy District, the second respondent herein, and he shall hold an enquiry after affording sufficient opportunity to the petitioners and pass appropriate orders in accordance with law. However, it is always open for the petitioners to establish the fact that as on the date of the said assignment of lands in their favour, they were landless poor persons and thereafter they purchased the other lands in the year 1987 as observed by the Mandal Revenue Officer.

Subject to the above directions, the writ petition is disposed of with a direction to the Joint Collector, Ranga Reddy District to hold an enquiry afresh and pass appropriate orders. However, as the petitioners are in continuous possession of the lands in question during the pendency of this writ petition, they shall not be disturbed during the fresh enquiry to be conducted by the Joint Collector. No order as to costs.

_____

(GOPALA KRISHNA TAMADA,J)

Dt.07.08.2007
v v